IN THE HIGH COURT OF JUDICATURE OF
ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE MRS. JUSTICE T.MEENA KUMARI
AND
THE HON'BLE MR. JUSTICE G.CHANDRAIAH

WRIT PETITION NO. 5931 & 22692 OF 2006

Dated : June 07, 2007

WP No. 5931 of 2006

Between:
The Sr. Superintendent of Post Offices,
Bhimavaram Division, Bhimavaram and others

Petitioner

AND

Smt. Meka Satyavathi and another

Respondents

WP No. 22692 of 2006

Mandela Satyanarayana

Petitioner

AND

The Sr. Superintendent of Post Offices,
Bhimavaram Division, Bhimavaram and others

Respondents

THE HON'BLE MRS. JUSTICE T.MEENA KUMARI
AND
THE HON'BLE MR. JUSTICE G.CHANDRAIAH

WRIT PETITION NO. 5931 & 22692 OF 2006

ORAL COMMON ORDER:
(per THE HON'BLE MRS. JUSTICE T.MEENA KUMARI)

Since both these writ petitions are interconnected, they were heard together and are being disposed of by this common order.

Writ Petition No. 5391 of 206 is filed by the Department of Posts seeking to quash the order dated 8.8.2005 made in OA No. 358 of 2003 by the Central Administrative Tribunal, Hyderabad, whereby Smt. Meka Satyavathi, the applicant in the above OA was reinstated with all consequential benefits; while Writ Petition No.22692 of 2006 is filed by one Mandela Satyanarayana seeking a direction to continue him to work as Gramin Dak Sevak/Branch Post Master, East Vipparru under Peravalli Sub-Post Office, West Godavari District, by setting aside the order passed in the above O.A. No. 358 of 2003

The factual matrix in a narrow compass is that the respondent No.4 in WP No. 22692 of 2006 – Smt. Meka

Satyavathi was selected as ED Branch Post Master, East Vipparru under Peravalli Sub-Post Office, West Godavari District as per the letter dated 14.2.2000 and she was given appointment with effect from 29.2.2000. While so, the petitioner in WP No. 22692 of 2006 made a representation on 12.9.2002 to the Post Master General, Hyderabad, stating that the 4th respondent i.e. Smt. Meka Satyavathi got lesser percentage of marks in SSC examination and the petitioner possess all the necessary qualifications, but he was overlooked in the selection of ED BPM.

The Senior Superintendent of Post Offices, Bhimavaram Division, first petitioner in WP No. 5391 of 2006 issued proceedings dated 24.2.2003 cancelling the appointment of 4th respondent Smt. Meka Satyavathi and issued orders of appointment to the petitioner in WP No. 22692 of 2006 in her place as ED Branch Post Master, East Vipparru under Peravalli Sub-Post Office, West Godavari District, with immediate effect. That proceeding was challenged by the 4th respondent Smt. Meka Satyavathi, before the Central Administrative Tribunal, Hyderabad in OA No. 358 of 2003 and the Tribunal, having gone into merits of the matter, set aside the same

and directed the applicant - 4th respondent Smt. Meka Satyavathi, to be reinstated.

Aggrieved of the same, both the Department of Posts and the Respondent No.4 in WP No. 22692 of 2006 i.e. Meka Satyanarayana, filed these two writ petitions.

Number of contentions were raised before the Tribunal with regard to the power of the Authority to review a selections and terminating the order of appointment which was passed following due process of selection. It is also contended on behalf of the Department before the Tribunal that the Rules have been amended giving power to the superior authority to review the selections. To this effect, the Tribunal observed that the Rules were amended after the 4th respondent Smt. Meka Satyavathi, joined duty. The fact remains that the respondent No.4 was appointment by virtue of the proceedings after following due process of selection by letter dated 14.2.2000 and 25.9.2000, as ED Branch Post Master, East Vipparru under Peravalli Sub-Post Office, West Godavari District.

The representation of the petitoner in WP No. 22692 of 2006, evidently, is the source for passing the impugned order. It has been observed in the order dated 24.2.2003

passed by the first petitioner in WP No. 5931 of 2006 that Shri Mandela Satyanarayana (petitioner in WP No. 22692 of 2006) who was not selected originally is selected as Branch Post Master, East Vipparru, Paravalli Sub-Office. In the peculiar circumstances, if the Department - petitioners in WP No. 5931 of 2006 found that some irregularities have been committed in appointing Smt. Meka Satyavathi and if they had the power to review and cancel such an appointment, in compliance of principles of natural justice, they ought to have given notice to her affording her reasonable opportunity to put forth her case. A perusal of the Memo dated 24.2.2003 manifestly makes it clear that it came to be passed at the behest of the unsuccessful candidate – petitoner in WP No. 22692 of 2006, with the sole contention that he got more marks, as reflected in the said Memo. Be it noted that the appointment of the 4th respondent Smt. Meka Satyavathi was after observing selection process and by that time she had put in two years of service as ED Branch Post Master, East Vipparru, Paravalli Sub-Office. That apart, if the Reviewing Authority found that the selection of Smt. Meka Satyavathi was irregular, it would have gone for fresh selection, instead of resorting to select an unsuccessful candidate, without following due process of

selection.

In the above circumstances, we do not find any irregularity in the order passed by the Tribunal, assailed in these writ petitions and, we accordingly confirm the same.

It is submitted by the learned counsel appearing on behalf of the Department - petitioners in WP No. 5931 of 2006, that in pursuance of the order in contempt case, Smt. Meka Satyavathi was reinstated in service as ED Branch Post Master, East Vipparru, Paravalli Sub-Office and the petitioner in WP No. 22692 of 206 was also appointed as such, on adhoc basis, in the neighbouring village.

Insofar as the appointment of the petitioner in WP No. 22692 of 2006 Mr. M.Satyanarayana is concerned, in view of the order dated 24.02.2003, passed by the first petitoner in WP No. 5931 of 2006, we do not go in to the merits of his appointment.

Consequently, with the above observations, both the writ petitions are disposed of. No order as to cots.

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T.MEENA KUMARI, J.

G.CHANDRAIAH, J.

June 07, 2007
MAS